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HOUSE BILL 2548

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State of Washington

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By Representatives Sullivan, Fisher, Mitchell, Hurst, Bush, Darneille, Jarrett, Rockefeller, Ogden, Edwards, Simpson, Haigh, Nixon, Anderson, Kenney, Kirby and Jackley

Read first time 01/21/2002. Referred to Committee on Transportation.

1 AN ACT Relating to signs on bus shelters; and amending RCW  
2 46.61.075, 47.12.120, and 47.42.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.075 and 1965 ex.s. c 155 s 12 are each amended  
5 to read as follows:

6 (1) No person shall place, maintain, or display upon or in view of  
7 any highway any unauthorized sign, signal, marking, or device (~~which~~)  
8 that purports to be or is an imitation of or resembles an official  
9 traffic-control device or railroad sign or signal, or (~~which~~) that  
10 attempts to direct the movement of traffic, or (~~which~~) that hides  
11 from view or interferes with the effectiveness of an official traffic-  
12 control device or any railroad sign or signal.

13 (2) Except as otherwise provided in this section, no person shall  
14 place or maintain nor shall any public authority permit upon any  
15 highway any traffic sign or signal bearing thereon any commercial  
16 advertising. A public transportation benefit area formed under chapter  
17 36.57A RCW may include commercial advertising as part of a bus shelter  
18 provided for the convenience of users of public transit.

1 (3) This section shall not be deemed to prohibit the erection upon  
2 private property adjacent to highways of signs giving useful  
3 directional information and of a type that cannot be mistaken for  
4 official signs.

5 (4) Every such prohibited sign, signal or marking is hereby  
6 declared to be a public nuisance and the authority having jurisdiction  
7 over the highway is hereby empowered to remove the same or cause it to  
8 be removed without notice.

9 **Sec. 2.** RCW 47.12.120 and 1977 ex.s. c 151 s 50 are each amended  
10 to read as follows:

11 The department (~~is authorized, subject to the provisions and~~  
12 ~~requirements of zoning ordinances of political subdivisions of~~  
13 ~~government, to~~) may rent or lease any lands, improvements, or air  
14 space above or below any lands(~~(, including those used or to be used~~  
15 ~~for both limited access and conventional highways which)) that are held  
16 for highway purposes but are not presently needed(~~(, )~~). The rental or  
17 lease:~~

18 (1) Must be upon such terms and conditions as the department may  
19 determine;

20 (2) Is subject to the provisions and requirements of zoning  
21 ordinances of political subdivisions of government;

22 (3) Includes lands used or to be used for both limited access and  
23 conventional highways that otherwise meet the requirements of this  
24 section;

25 (4) May not be charged to public transportation benefit areas  
26 formed under chapter 36.57A RCW for including commercial advertising as  
27 part of a bus shelter provided for the convenience of users of public  
28 transit.

29 **Sec. 3.** RCW 47.42.040 and 2001 c 107 s 1 are each amended to read  
30 as follows:

31 It is declared to be the policy of the state that no signs  
32 (~~which~~) that are visible from the main traveled way of the interstate  
33 system, primary system, or scenic system shall be erected or maintained  
34 except the following types:

35 (1) Directional or other official signs or notices that are  
36 required or authorized by law including signs with the Crime Stoppers  
37 name, logo, and telephone number;

1 (2) Signs advertising the sale or lease of the property upon which  
2 they are located;

3 (3) Signs advertising activities conducted on the property on which  
4 they are located;

5 (4) Signs, not inconsistent with the policy of this chapter and the  
6 national policy set forth in section 131 of title 23, United States  
7 Code as codified and enacted by Public Law 85-767 and amended only by  
8 section 106, Public Law 86-342, and the national standards promulgated  
9 thereunder by the secretary of commerce or the secretary of  
10 transportation, advertising activities being conducted at a location  
11 within twelve miles of the point at which such signs are located:  
12 PROVIDED, That no sign lawfully erected pursuant to this subsection  
13 adjacent to the interstate system and outside commercial and industrial  
14 areas shall be maintained by any person after three years from May 10,  
15 1971;

16 (5) Signs, not inconsistent with the policy of this chapter and the  
17 national policy set forth in section 131 of title 23, United States  
18 Code as codified and enacted by Public Law 85-767 and amended only by  
19 section 106, Public Law 86-342, and the regulations promulgated  
20 thereunder by the secretary of commerce or the secretary of  
21 transportation, designed to give information in the specific interest  
22 of the traveling public: PROVIDED, That no sign lawfully erected  
23 pursuant to this subsection adjacent to the interstate system and  
24 outside commercial and industrial areas shall be maintained by any  
25 person after three years from May 10, 1971;

26 (6) Signs lawfully in existence on October 22, 1965, determined by  
27 the commission, subject to the approval of the United States secretary  
28 of transportation, to be landmark signs, including signs on farm  
29 structures or natural surfaces, of historic or artistic significance  
30 the preservation of which would be consistent with the purposes of  
31 chapter 47.42 RCW;

32 (7) Public service signs, located on school bus stop shelters,  
33 which:

34 (a) Identify the donor, sponsor, or contributor of said shelters;

35 (b) Contain safety slogans or messages which occupy not less than  
36 sixty percent of the area of the sign;

37 (c) Contain no other message;

38 (d) Are located on school bus shelters which are authorized or  
39 approved by city, county, or state law, regulation, or ordinance, and

1 at places approved by the city, county, or state agency controlling the  
2 highway involved; and

3 (e) Do not exceed thirty-two square feet in area. Not more than  
4 one sign on each shelter may face in any one direction.

5 Subsection (7) of this section notwithstanding, the department of  
6 transportation shall adopt regulations relating to the appearance of  
7 school bus shelters, the placement, size, and public service content of  
8 public service signs located thereon, and the prominence of the  
9 identification of the donors, sponsors, or contributors of the  
10 shelters;

11 (8) Temporary agricultural directional signs, with the following  
12 restrictions:

13 (a) Signs shall be posted only during the period of time the  
14 seasonal agricultural product is being sold;

15 (b) Signs shall not be placed adjacent to the interstate highway  
16 system unless the sign qualifies as an on-premise sign;

17 (c) Signs shall not be placed within an incorporated city or town;

18 (d) Premises on which the seasonal agricultural products are sold  
19 must be within fifteen miles of the state highway, and necessary  
20 supplemental signing on local roads must be provided before the  
21 installation of the signs on the state highway;

22 (e) Signs must be located so as not to restrict sight distances on  
23 approaches to intersections;

24 (f) The department shall establish a permit system and fee schedule  
25 and rules for the manufacturing, installation, and maintenance of these  
26 signs in accordance with the policy of this chapter;

27 (g) Signs in violation of these provisions shall be removed in  
28 accordance with the procedures in RCW 47.42.080;

29 (9) Commercial advertising included as part of a bus shelter  
30 provided for the convenience of users of public transit by a public  
31 transportation benefit area formed under chapter 36.57A RCW.

32 Only signs of types 1, 2, 3, 7, ~~((and))~~ 8, and 9 may be erected or  
33 maintained within view of the scenic system. Signs of types 7 ~~((and))~~,  
34 8, and 9 may also be erected or maintained within view of the federal  
35 aid primary system.

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